

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of John Joseph PARTRIDGE

International Application No.: PCT/US2004/034667

International Filing Date: October 21, 2004

For: *DIASTEREOMERIC DYNAMIC KINETIC RESOLUTION PROCESS FOR PREPARING (+)-(2S,3S)-2-(3-CHLOROPHENYL)3,5,5-TRIMETHYL-2-MORPHOLINOL, SALTS, AND SOLVATES THEREOF*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

☒ Copies of the references are enclosed

☐ Copies of the references were submitted in parent application Serial No. _____
(37 CFR 1.98(d))

☒ A copy of the International Search Report which issued on International Application No. _____ PCT/US2004/034667 is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

A. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

☐ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).

B. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but **before** the mailing date of either:
(1) a final action under § 1.113 or
(2) a notice of allowance under § 1.311,
whichever occurs first.

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Date of Mailing: April 26, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to "Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown above.

Patty Wilson
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- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).
- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which Issued on International Publication No.

APR 26 2006

In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. **[or]**
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.
- ☒ Please charge any required fees to Deposit Account No.07-1392.
- ☐ A duplicate copy of this paper is attached.

Respectfully Submitted,


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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	INT'L FILING NO.	PCT/US2004/034667
	INT'L FILING DATE	October 21, 2004
	APPLICANT	A. W. Partridge
	GROUP	
	EXAMINER	
	ATTORNEY DOCKET NO.	PR60551USw

U.S. PATENT DOCUMENTS

Examiner Initials		Patent Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate
	1.	6,274,579	8/14/2001	Morgan et al.			
	2.	6,323,368	11/27/2001	Evans Graham			
	3.	6,337,328	1/8/2002	Fang et al.			
	4.	6,342,496	1/29/2002	Jerussi et al.			
	5.	6,391,875	5/21/2002	Morgan et al.			
	6.	6,734,213	5/11/2004	Partridge			
	7.	6,855,820	2/15/2005	Broom et al.			
	8.	2002/052340	5/2/2002	Jerussi et al.			
	9.	2002/052341	5/2/2002	Fang et al.			

FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No
	10.	WO 01/62257	8/30/2001	PCT			

OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)

	11.	PARTRIDGE et al., "Enantioselective Synthesis: The Optimum Process" in <u>Process Chemistry in the Pharmaceutical Industry</u> (Gadamasetti K.G., Ed.) Marcel Dekker, New York, NY 1999, pp. 314-315
	12.	REIDER et al., Crystallization-Induced Asymmetric Transformation: Stereospecific Synthesis of a Potent Peripheral CCK Antagonist, J. Org. Chem. 52:955-957 (1987).
	13.	YAMADA et al., Asymmetric Reduction of a 1,5-Benzothiazepine Derivative with Sodium Borohydride-(S)- α -Amino Acids: An Efficient Synthesis of a Key Intermediate of Diltiazem, J. Org. Chem. 61:8586-8590 (1996).
/	14.	WARD, Dynamic Kinetic Resolution, Tetrahedron 6(7):1475-1490 (1995).
	15.	DEARDOFF et al., Enantioselective Hydrolysis of cis-3, 5-Diacetoxycyclopentene: 1R, 4S-(+)-4-Hydroxy-2-cyclopentenyl Acetate, Org. Synth. Coll. IX:487-493 (1998).
	16.	JACQUES et al., "Crystallization-induced Asymmetric Transformations" in <u>Enantiomers, Racemates and Resolutions</u> , Krieger Publ., Malabar, FL 1991, Chpt. 6, pp. 369-377.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.